

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ORDER NO. 98-10
NPDES NO. CA0108944

WASTE DISCHARGE REQUIREMENTS
FOR THE
CITY OF ESCONDIDO
HALE AVENUE RESOURCE RECOVERY FACILITY

INTERMITTENT WET WEATHER DISCHARGE
TO
ESCONDIDO CREEK
SAN DIEGO COUNTY

The California Regional Water Quality Control Board, San Diego Region
(hereinafter Regional Board), finds that:

1. On November 10, 1994 this Regional Board adopted, *"Order No. 94-104, NPDES No. CA0107981, Waste Discharge Requirements for the City of Escondido Hale Avenue Resource Recovery Facility, Discharge to the Pacific Ocean via the San Elijo Ocean Outfall."* Order No. 94-104, which superceded Order No. 88-04, established requirements for the discharge of up to 16.5 million gallons per day (MGD) of secondary treated wastewater to the Pacific Ocean via the Escondido Land Outfall and the San Elijo Ocean Outfall.
2. On June 13, 1996, this Regional Board issued, *"Cease and Desist Order No. 96-31 for the City of Escondido,"* for discharging secondary effluent to Escondido Creek during periods of sustained or significant rainfall in violation of the Federal Clean Water Act. Order No. 96-31 required the City either to pursue a strategy to increase the capacity of the San Elijo Ocean Outfall or to seek authorization for discharges of treated wastewater to Escondido Creek.
3. On June 19, 1997, the City submitted a Report of Waste Discharge (RWD) for the Hale Avenue Regional Reclamation Facility (HARRF) to discharge up to 9 MGD of tertiary treated recycled water to Escondido Creek during periods when significant precipitation causes the discharge to exceed the capacity of the San Elijo Ocean Outfall. After additional information was submitted on September 30, 1997, the application was considered complete.
4. The City reported that the San Elijo Ocean Outfall capacity is limited by pressure restrictions on a 4,000 foot, 30-inch diameter section of the

outfall (along the nearshore) which has a maximum pressure limit of 22 psi (50 feet). To protect the 30-inch diameter section from rupture, HARRF effluent is directed through a flow control station prior to discharge to the San Elijo Ocean Outfall. The flow control station is equipped with an automatic valve which regulates land outfall flows to insure that the design pressure of the nearshore segment is not exceeded. The City has experienced three episodes during the past several years when wastewater flows exceeded the outfall system. The City was forced to discharge secondary effluent to Escondido Creek in January 1993, March 1995, and January 1997.

5. The HARRF is located at 1521 Hale Avenue in the City of Escondido, adjacent to Escondido Creek in the in the northwest 1/4 of Section 29, T12S, R2W, SBBM.
6. The proposed discharge location, which to date has not been constructed, is located at latitude 33°07'22", and longitude 117°07'26".
7. The City of Escondido reports that the proposed effluent quality of filtered and disinfected effluent from the HARRF will be:

Constituent	Units	Concentration
Total Dissolved Solids	mg/L	1100
Turbidity	NTU	2.0
Surfactants (MBAS)	mg/L	0.20
Sodium	%	57
Manganese	mg/L	0.10
Chloride	mg/L	300
Fluoride	mg/L	1.0
Sulfate	mg/L	250
Total Phosphorus	mg/L	3.0
Total Nitrogen	mg/L	35
Boron	mg/L	1.1
Iron	mg/L	0.025

8. The City conducted a water quality monitoring program in Escondido Creek between December 1994 and April 1995. Monitoring results below represent the average of ten samples collected when stream flows were in excess of one hundred cubic feet per second:

Constituent	Units	Concentration
Total Dissolved Solids	mg/L	395
Turbidity	NTU	7.0
Surfactants (MBAS)	mg/L	0.15
Sodium	%	68
Manganese	mg/L	0.15
Chloride	mg/L	80
Fluoride	mg/L	.02
Sulfate	mg/L	100
Total Phosphorus	mg/L	0.31
Total Nitrogen	mg/L	4.8
Boron	mg/L	0.10

9. The City estimated that a discharge of 15 MGD blended into Escondido Creek, would result in the following water quality:

Constituent	Units	Concentration	
		300 cfs blend	850 cfs blend
Total Dissolved Solids	mg/L	445.6	413.7
Turbidity	NTU	6.64	6.87
Surfactants (MBAS)	mg/L	0.15	0.15
Sodium	%	67.2	67.7
Manganese	mg/L	0.15	0.15
Chloride	mg/L	95.8	85.8
Fluoride	mg/L	0.26	0.22
Sulfate	mg/L	110.8	104.0
Total Phosphorus	mg/L	0.50	0.38
Total Nitrogen	mg/L	7.0	5.6
Boron	mg/L	0.17	0.13

10. The *"Water Quality Control Plan, San Diego Basin (9)"* (hereinafter Basin Plan) was adopted by this Regional Board on September 8, 1994 and subsequently approved by the State Water Resources Control Board (State Board) on December 13, 1994. Subsequent revisions to the Basin Plan have also been adopted by the Regional Board and approved by the State Board. The Basin Plan designates beneficial uses, narrative and numerical water quality objectives, and prohibitions which are applicable to the discharge regulated under this Order.
11. The Basin Plan established the following existing beneficial uses for the Escondido Creek HSA (904.61) and (904.62), which includes Escondido Creek:

- a. Municipal and domestic supply
 - b. Agricultural supply
 - c. Water contact recreation
 - d. Non-contact recreation
 - e. Warm fresh water habitat
 - f. Cold fresh water habitat
 - g. Wildlife habitat
12. The Basin Plan identifies the following beneficial uses for San Elijo Lagoon as follows:
- a. Water contact recreation
 - b. Non-contact recreation
 - c. Preservation of biological habitats of special significance
 - d. Wildlife habitat
 - e. Preservation of rare and endangered species
 - f. Estuarine habitat
 - g. Marine habitat
 - h. Migration of aquatic organisms
13. The Basin Plan establishes surface and ground water quality objectives for HSAs 904.60 and 904.61. The following are the most restrictive water quality objectives for either subarea:

Concentrations not to be exceeded more than 10 percent of the time during any one year period.

Constituents	Surface Water	Ground Water
Total Dissolved Solids	500 mg/L	750 mg/L
Chloride	250 mg/L	300 mg/L
Percent Sodium	60 %	60 %
Sulfate	250 mg/L	300 mg/L
Nitrogen & Phosphorus	*	--
Nitrate	--	10 mg/L
Iron	0.3 mg/L	0.3 mg/L
Manganese	0.05 mg/L	0.05 mg/L
Methylene Blue Active Substances (Surfactants)	0.5 mg/L	0.5 mg/L
Boron	0.75 mg/L	0.75 mg/L
Odor	--	--
Turbidity	20 NTU	5 NTU
Color	20 Units	10 Units
Fluoride	1.0 mg/L	1.0 mg/L

Note: mg/L = milligrams per liter
NTU = Nephelometric Turbidity Units

- * Concentrations of nitrogen and phosphorus, by themselves or in combination with other nutrients, shall be maintained at levels below those which stimulate algae and emergent plant growth. Threshold total Phosphorus (P) concentration shall not exceed 0.05 mg/L in any stream at the point where it enters any standing body of water, nor 0.025 mg/L in any standing body of water. A desired goal in order to prevent plant nuisances in streams and other flowing waters appears to be 0.1 mg/L total P. These values are not to be exceeded more than 10 percent of the time unless studies of the specific water body in question clearly show that water quality objectives changes are permissible and changes are approved by the Regional Board. Analogous threshold values have not been set for nitrogen compounds; however, natural ratios of nitrogen to phosphorus are to be determined by surveillance and monitoring and upheld. If data are lacking, a ratio of N:P = 10:1 shall be used.
14. The Basin Plan contains, in part, objectives for inland surface waters for: color, taste and odors, floating material, suspended material, settleable materials, oil and grease, sediment, turbidity, hydrogen-ion concentrations and dissolved oxygen, which are applicable to the discharge.
 15. The San Elijo Lagoon has been listed by this Regional Board as an impaired water body in accordance with Clean Water Act Section 303(d). The entire 330 acre lagoon is listed as impaired due eutrophication problems associated with point and nonpoint source nutrient loading. In addition, 150 acres of the lagoon are listed as impaired due to excessive sedimentation.
 16. Pursuant to 40 CFR 131.12 and State Board Resolution No. 68-16, **"Statement of Policy with Respect to Maintaining High Quality of Waters in California"** (collectively "antidegradation policies"), as described in the Basin Plan, the Regional Board shall ensure than any increase in pollutant loading to a receiving water meets the requirements stated in the foregoing policies. At a minimum, permitting actions shall be consistent with the following:
 - a. Existing instream water uses and the level of water quality necessary to protect existing beneficial uses shall be maintained and protected;
 - b. Where the quality of the waters exceed levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, the quality shall be maintained and protected unless the State finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the State's continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area to which the waters are located;
 - c. Where high quality waters constitute an outstanding national resource, such as waters of National and State parks and wildlife

refuges and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected; and

- d. In those cases where potential water quality impairment associated with a thermal discharge is involved, the antidegradation policy and implementing method shall be consistent with Section 316 of the Clean Water Act.
17. The Regional Board has taken into consideration the requirements of the State and Federal "antidegradation" policies, the water quality objectives contained in the Basin Plan, and the listing of San Elijo Lagoon as an impaired waterbody, in establishing the requirements contained herein, and has determined that any reduction in water quality as a result of this discharge will not result in any long-term deleterious effect on water quality. In addition, this Order prohibits the City of Escondido from increasing the amount of nutrients in the lagoon by implementing a nutrient reduction program approved by the Regional Board.
18. The discharger has developed pretreatment programs pursuant to Section 307 of the Clean Water Act, Parts 35 and 403 of Title 40, Code of Federal Regulations (40 CFR 35 and 40 CFR 2, Title 23, California Code of Regulations. The discharger's pretreatment program was approved by the U.S. EPA on June 29, 1982.
19. Stormwater discharges from the HARRF are subject to the terms and conditions of Water Quality Order No. 97-03, *"Waste Discharge Requirements (WDRs) for Discharges of Storm Water Associated With Industrial Activities Excluding Construction Activities."*
20. Effluent limitations, industrial pretreatment standards, biosolid use and disposal regulations, and criteria established under Section 208(b), 301, 302, 303(d), 304, 306, 307, 403 and 405 of the Clean Water Act, as amended (33 U.S.C. 1251 et seq.), are applicable to the discharge.
21. The Regional Board has considered antidegradation pursuant to 40 CFR 131.12 and State Board Resolution No. 68-16 and finds that this discharge is consistent with the Antidegradation Policies.
22. The Regional Board has concluded that the discharge from the HARRF will not result in further degradation of San Elijo Lagoon and, with implementation of the above mitigation measures, will result in a net reduction of nutrient loading into San Elijo Lagoon.
23. This Order shall serve as an NPDES permit for the discharge of treated wastewater from the City of Escondido's HARRF to Escondido Creek

and/or its tributaries pursuant to Section 402 of the CWA and amendments thereto.

24. This Regional Board, in establishing the requirements contained herein, considered factors including, but not limited to, the following:
 - a. Beneficial uses to be protected and the water quality objectives reasonably required for that purpose;
 - b. Other waste discharges;
 - c. The need to prevent nuisance;
 - d. Past, present, and probable future beneficial uses of the waters under consideration;
 - e. Environmental characteristics of the waters under consideration;
 - f. Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area;
 - g. Economic consideration;
 - h. The need for developing housing within the Region; and
 - i. The need to develop and use recycled water.
25. The issuance of waste discharge requirements for this discharge is exempt from the requirements for preparation of environmental documents under the CEQA (Public Resources Code, Division 13, Chapter 3, Section 21000 et seq.) in accordance with the California Water Code, Section 13389.
26. On July 22, 1998, the Escondido City Council certified a final environmental impact report in accordance with the California Environmental Quality Act (Public Resources Code Section 21000, et seq.).
 - a. The project as approved by the City of Escondido identified the following significant effect on water quality:
 - b. Increased nutrient loading into San Elijo Lagoon may contribute to additional impairment of the lagoon.
 - c. Prohibitions A.3.a, b, c, and d of this Order will avoid the adverse environmental impacts of the project on water quality.

- d. Discharge Specification B.2 of this Order requires that the discharge not result in the addition of nutrients to San Elijo Lagoon.
- 27. The Regional Board has considered all water resources related environmental factors associated with the discharge of treated wastewater from the City of Escondido's HARRF to Escondido Creek and/or its tributaries.
- 28. The Regional Board has notified the City of Escondido and all known interested parties of its intent to issue NPDES permit requirements for the proposed discharge of waste.
- 29. The Regional Board has, at a public meeting, heard and considered all comments pertaining to the discharge of treated wastewater from the City of Escondido's HARRF to Escondido Creek and contiguous waters.

IT IS HEREBY ORDERED, that the City of Escondido (hereinafter discharger), in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder and the provisions of the Clean Water Act and the regulations adopted thereunder, shall comply with the following:

A. PROHIBITIONS

- 1. Compliance with the waste discharge prohibitions contained in the Basin Plan and listed in Attachment No. A hereto is required as a condition of this Order.
- 2. A discharge to Escondido Creek from the HARRF in excess of a 9 MGD flowrate at any time is prohibited unless the discharger obtains revised waste discharge requirements authorizing an increased flowrate.
- 3. Discharges from the City of Escondido's HARRF to Escondido Creek are prohibited unless:
 - a. The discharge to the San Elijo Ocean Outfall from the HARRF and the San Elijo Water Pollution Control Facility exceeds the maximum capacity of the outfall.
 - b. All emergency in-plant storage has been used.
 - c. Stream flows recorded at the County of San Diego's stream gauging station located approximately 100 yards upstream of the HARRF, exceed an average flow of 300 cubic feet per second during the discharge and are not below 100 cubic feet per second at any time during the discharge; and

- d. The mouth of the San Elijo Lagoon is open or the Regional Board Executive Officer approves otherwise; and
 - e. The discharge occurs between November 1 and April 30.
- 4. The discharge of wastes to areas designated as being of special biological significance by the State Water Resources Control Board is prohibited. Discharges shall be located a sufficient distance from such designated areas to assure maintenance of natural water quality conditions in these areas.
- 5. The discharge of waste, at points which have not been specifically described in the RWD and for which valid waste discharge requirements are not in force is prohibited.
- 6. The discharge of any pollutant that is not subject to an effluent limitation in this permit is prohibited except in the following circumstances:
 - a. The pollutant has been identified in the administrative record for the permit.
 - b. The pollutant has not been identified in the administrative record for the permit, so long as the discharger: (1) has complied with applicable requirements for disclosure of information about its pollutant discharges, operations and sources of wastes; and (2) complies with all applicable requirements for notification of changes in its operations and discharges.
- 7. The discharge of oil, trash or other solids, municipal waste biosolids or biosolids digester supernatant directly to a surface water or in any manner which may permit it to be washed into a surface water is prohibited.
- 8. The discharge of waste shall not cause surface erosion or scouring of aquatic substrates.
- 9. Odors, vectors, and other nuisances beyond the boundaries of the HARRF are prohibited.
- 10. The bypassing of untreated wastes to Escondido Creek and/or its tributaries containing concentrations of pollutants in excess of those in the Basin Plan or the U.S. EPA Gold Book requirements, is prohibited.
- 11. The discharge of any substances in concentrations toxic to human, animal, plant or aquatic life is prohibited.

12. The discharge shall not:

- a. Cause the presence of coliform or pathogenic organisms in waters pumped from the affected basins.
- b. Cause the occurrence of objectionable tastes and/or odors in waters pumped from the affected basins.
- c. Cause waters pumped from the affected basins to foam;
- d. Cause the present of toxic materials in waters pumped from the affected basins;
- e. Cause concentrations of chemical constituents in excess of the maximum contaminant level specified in Title 22, Chapter 15, Article 4, Section 64435, Tables 2 and 4 of the California Code of Regulations in waters pumped from the affected basins;
- f. Cause the pH of waters pumped from the affected basins to fall below 6.0 or rise above 9.0;
- g. Cause this Regional Board's groundwater objectives for HSAs 904.61, 904.62 and San Elijo Lagoon, as established in the Basin Plan, to be exceeded;
- h. Cause a nuisance or adversely affect beneficial uses for the surface waters in HSAs 904.61, 904.62 and San Elijo Lagoon, as established in the Basin Plan;
- i. Cause odors, septicity, mosquitoes, weed growth or other vectors or nuisance conditions in Escondido Creek or its tributaries; and

B. DISCHARGE SPECIFICATIONS

- 1. The discharge shall not cause pollution, contamination, or nuisance, as those terms are defined in CWC Section 13050, as a result of the treatment or discharge of wastes.
- 2. The discharge from the HARRF to Escondido Creek shall not result in an increase in nutrient loading to San Elijo Lagoon nor contribute to any increase in biostimulation within the lagoon.
- 3. The discharge of treated wastewater from the HARRF to Escondido Creek or its tributaries containing pollutants in excess of the following effluent limitations is prohibited:
 - a. Technology based limitations:

Constituent	Units	30-Day Average	7-Day Average	Daily Maximum
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	mg/L lbs/day	25 1876	40 3002	45 3377
Suspended Solids	mg/L lbs/day	30 2251	45 3377	50 3753
Percent Removal	Percent	85% CBOD ₅ and TSS	--	--
pH	Units	Within the limits of 6.0 and 9.0 at all times.		

b. Water quality based limitations:

Constituent	Units	Daily Maximum
Total Dissolved Solids	mg/L lbs/day	1100 82566
Chloride	mg/L lbs/day	300 25218
Sulfate	mg/L lbs/day	325 24394
Nitrogen (Total)	mg/L lbs/day	35 2627
Phosphorus (Total)	mg/L lbs/day	3.0 225
Iron	mg/L lbs/day	0.3 22
Manganese	mg/L lbs/day	0.10 75
Methylene Blue Active Substances	mg/L lbs/day	0.5 37
Boron	mg/L lbs/day	1.1 83
Color	Units	20
Fluoride	mg/L lbs/day	1.5 112
Ammonia (NH ₄ ⁺ plus NH ₃)	mg/L lbs/day	25 1877
Phenolic Compounds	ug/L lbs/day	1.0 7.5
Inorganic Chemicals	Not to exceed limits specified in California Code of Regulations, Title 22, Table 64431-A of Section 64431. (Attachment B)	
EPA Toxic Pollutants	Not to exceed limits specified in 40 CFR 131.36. (Attachment C)	

Organic Chemicals	Not to exceed limits specified in California Code of Regulations, Title 22, Table 64444-A of Section 64444. (Attachment B)
Radionuclides	Not to exceed limits specified in California Code of Regulations, Title 22, Table 4 of Section 64443. (Attachment B)

mg/L = milligrams per liter
 ug/L = micrograms per liter

4. The Mass Emission Rate (MER) limits in this Order were calculated using a Q = 9.0 MGD and the indicated C values. When the discharge flowrate is lower than 9.0 MGD, the MER limits shall be correspondingly lower.
5. Compliance with the daily, 7-Day and 30-Day average limits specified in the Discharge Specifications shall be determined from the flow-weighted average of all samples taken during the specified periods. Compliance with the instantaneous limits specified in the Discharge Specifications shall be determined from the results of grab samples taken during the specified periods.

The pH of the discharge shall be at all times within the range of 6.5 and 8.5 pH units.

6. There shall be no visible oil or grease in the discharge.
7. The discharge of treated wastewater from the HARRF to Escondido Creek or its tributaries shall be adequately disinfected, oxidized, coagulated, clarified, filtered wastewater (tertiary treated effluent) or equivalent, pursuant to Title 22, Division 4, Chapter 3, Article 5, section 60315 of the California Code of Regulations. The wastewater shall be considered adequately disinfected if in the effluent at some location in the treatment process, the median number of coliform organisms does not exceed 2.2 per 100 milliliters and the number of coliform organisms does not exceed 23 per 100 milliliters in more than one sample within any 30 day period. The median value shall be determined from the bacteriological results of the last 7 days for which analyses have been completed. Filtered wastewater means an oxidized, coagulated, and clarified wastewater which has been passed through natural undisturbed soils or filter media, such as sand or diatomaceous earth (or equivalent as determined by the State Department of Health Services), so that the turbidity as determined by an approved laboratory method does not exceed an average operating turbidity of 2 turbidity units and does not exceed 5 turbidity units more than 5 percent of the time during any 24-hour period.
8. Wastewater discharged from the City of Escondido's HARRF to Escondido Creek must be essentially free of:

- a. Material that is floatable or will become floatable upon discharge.
 - b. Settleable material or substances that form sediments which degrade benthic communities or other aquatic life.
 - c. Substances which will accumulate to harmful levels in adequate sediments or biota.
 - d. Substances that significantly decrease the natural light to benthic communities and other aquatic life.
 - e. Materials that result in aesthetically undesirable discoloration of surface waters.
9. Waste discharges from the HARRF shall be discharged in such a manner as to provide maximum protection to aquatic environments.
 10. All waste treatment and containment facilities shall be protected against 100-year peak stream flows as defined by the San Diego County flood control agency.
 11. All waste treatment and containment facilities shall be protected against erosion, overland runoff and other impacts resulting from a 100-year frequency 24-hour storm.
 12. Sewage sludge treatment and disposal shall comply with all pertinent paragraphs of Part 503, Subchapter O, Chapter I of Title 40 of the Code of Federal Regulations.

C. TOXICITY REQUIREMENTS

1. Acute Toxicity

The discharge shall not result in acute toxicity in ambient receiving waters. The effluent shall be deemed acutely toxic when:

- a. The toxicity test of 100% effluent results in less than 90 percent survival 50 percent or more of the time , or
- b. The survival rate of the test organisms is less than 50 percent in any single test.

2. Chronic Toxicity

The discharger is required to conduct chronic toxicity monitoring as specified in the Monitoring and Reporting Program No. 98-10.

3. Toxicity Reduction Requirements and Provisions

If the result of any individual chronic toxicity test of the effluent exceeds 1.0 TU_c, the discharger shall implement the accelerated monitoring program as per the attached Monitoring and Reporting Program.

If the results of two consecutive chronic toxicity tests of the effluent exceed 1.0 TU_c the discharger is required to investigate the causes of the toxicity in accordance with an investigation program approved by the Executive Officer of the Regional Board.

If warranted by the results of the investigation program described in Toxicity Requirement C.4, the discharger shall, in a timely manner, take all reasonable steps as agreed upon by the Regional Board's Executive Officer to identify the source(s) of toxicity through a Toxicity Identification Evaluation (TIE) and, if appropriate, a Toxicity Reduction Evaluation (TRE).

Upon notification by the Regional Board's Executive Officer that a TIE/TRE is required, the discharger shall submit the proposed schedule under which these actions will be implemented.

4. TIE/TRE Requirements for Chronic Toxicity

At a minimum, TIE/TRE for chronic toxicity shall be conducted in accordance with the following:

In the absence of EPA approved protocols for conducting TIE/TRE investigations for chronic toxicity, the discharger shall conduct a TIE/TRE investigation using the draft protocols published by the USEPA (**Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase 1: EPA-600/6-91/005; June, 1991**) and/or protocols approved by the Executive Officer of the Regional Board. Upon adoption of EPA approved protocols, those protocols shall be used for conducting TIE/TREs.

In the event that the acute effluent limitations continue to be exceeded or chronic toxicity is identified in the effluent one year after the completion of the agreed upon toxicity source identification and reduction measures, the discharger will be required at the discretion of the Regional Board's Executive Officer to conduct additional toxicity investigations to assess the propriety of prior TRE findings, determine whether new sources of toxicity

are present, and whether and what additional toxicity reduction measures are appropriate and reasonable.

In determining whether enforcement of an exceedance of a toxicity limitation is appropriate, among other factors, the actions of the discharger to address the exceedance, source of the pollutants, prior notice, test variability, and ability to identify and rectify the source of the problem will be considered.

D. RECEIVING WATER LIMITATIONS

The discharge from the City of Escondido's HARRF shall not cause violations of the following water quality objectives in surface waters:

1. *Bacterial Characteristics of Inland Surface Waters Including Bays and Estuaries*

Water-Contact and Non-Contact Standards

In waters designated for contact recreation (REC1), the fecal coliform concentration based on a minimum of not less than five samples for any 30-day period, shall not exceed a log mean of 200 per 100 ml, nor shall more than 10 percent of total samples taken during any 30-day period exceed 400 per 100 ml.

In waters designated for noncontact recreation (REC2), and not designated for contact recreation (REC1), the average fecal coliform concentration for any 30-day period, shall not exceed 2,000 per 100 ml nor shall more than 10 percent of samples collected during any 30-day period exceed 4,000 per 100 ml.

In bays and estuaries, the most probable number of coliform organisms in the upper 60 feet of the water column shall be less than 1,000 per 100 ml provided that not more than 20 percent of the samples at any sampling station, in any 30-day period, may exceed 1,000 per 100 ml, and provided further that no single sample when verified by a repeat sample taken within 48 hours shall exceed 10,000 per 100 ml.

- a. Shellfish

At all areas where shellfish may be harvested for human consumption (SHELL), the median total coliform concentration for any 30-day period shall not exceed 70 the 100 ml nor shall more than 10 percent of the samples collected during any 30-day period exceed 230 per 100 ml for a five-tube decimal dilution test or 330 per 100 ml when a

three-tube decimal dilution test is used.

2. *Physical Characteristics of Surface Waters*

- a. Floating particulates and grease and oil shall not be visible.
- b. The discharge of waste shall not cause aesthetically undesirable discoloration of the surface water.
- c. Natural light shall not be significantly reduced as a result of the discharge of treated wastewater.
- d. The rate of deposition of solids and the characteristics of solids in receiving water sediments shall not be changed such that benthic communities are degraded.
- e. Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses.

3. *Chemical Characteristics of Surface Waters*

- a. Dissolved oxygen levels shall not be less than 5.0 mg/L in inland surface waters with designated WARM beneficial use. The annual mean dissolved oxygen concentration shall not be less than 7 mg/l more than 10 percent of the time.
- b. Changes in normal ambient pH levels shall not exceed 0.5 units in fresh waters with designated warm freshwater habitat (WARM) beneficial uses. In bays and estuaries the pH shall not be depressed below 7.0 nor raised above 9.0. In inland surface waters the pH shall not be depressed below 6.5 nor raised above 8.5.
- c. The dissolved sulfide concentration of waters in and near sediments and throughout the water column shall not be significantly increased above that present under natural conditions.
- d. The concentration of organic materials in receiving water sediments shall not be increased to levels which would degrade aquatic life.
- e. Nutrient materials shall not cause objectionable aquatic growth or degrade indigenous biota.

4. *Biological Characteristics of Surface Waters*

- a. Inland surface water communities and populations, including vertebrate, invertebrate, and plant species, shall not be degraded.
 - b. The natural taste, odor, and color of fish, shellfish, or other inland surface water resources used for human consumption shall not be impaired.
 - c. The concentration of organic materials in fish, shellfish or other aquatic resources used for human consumption shall not bioaccumulate to levels that are harmful to human health.
 - d. The concentration of contaminants in waters which are existing or potential sources of drinking water shall not occur at levels which are harmful to human health.
5. The discharge shall not result in acute toxicity in receiving waters.
 6. The discharge shall not result in chronic toxicity in receiving waters.
 7. The discharge shall not cause the presence of radionuclides in concentrations that exceed the maximum permissible concentrations for radionuclides in water set forth in Chapter 5, Title 17 of the California Code of Regulations.
 8. The discharge shall not cause the dissolved oxygen concentration of Escondido Creek or contiguous waters to be depressed below 5.0 mg/l. If the ambient dissolved oxygen concentration is less than 5.0 mg/L, the discharge shall not cause a further depression.
 9. The discharge shall not cause the natural receiving water temperature to be altered.

E. PROVISIONS

1. The following sections of 40 CFR are attached hereto and incorporated into this permit by reference (Attachment D).
 - a. 122.5 *Effect of a permit.*
 - b. 122.21 *Application for a permit.*
 - c. 122.22 *Signatories to permit applications and reports.*

- d. 122.41 *Conditions applicable to all permits.*
- e. 122.61 *Transfer of permits.*
- f. 122.62 *Modification or revocation of permits.*
- g. 122.63 *Minor modifications of permits.*
- h. 122.64 *Termination of permits.*

2. *Duty to Comply* [40 CFR 122.41(a)] [CWC 133.81]

- a. The discharger must comply with all of the conditions of this Order. Any permit noncompliance constitutes a violation of the Clean Water Act and the Porter-Cologne Water Quality Control Act and is grounds for enforcement action, for permit termination, revocation and reissuance or modification, or for denial of a permit renewal application.
- b. The discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not been modified to incorporate the requirement.

3. *Duty to Reapply* [40 CFR 122.41(b)] [CWC 2235.4]

- a. If the discharger wishes to continue an activity regulated by this Order after the expiration date of this permit, the discharger must apply for and obtain a new permit. The discharger shall submit a new application at least 180 days before the permit expires.
- b. The terms and conditions of an expired permit are automatically continued pending issuance of a new permit if all requirements of the federal NPDES regulations on continuation of expired permits are complied with.

4. *Termination or modification of permit:* This permit may be terminated or modified for cause, including, but not limited to, all of

the following:

- a. Violation of any condition contained in this permit.
 - b. Obtaining this permit by misrepresentation, or failure to disclose fully all relevant facts.
 - c. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge. [CWC 13381]
5. *Material change:* The discharger shall file a new Report of Waste Discharge not less than 180 days prior to any material change in the character, location, or volume of the waste discharge, including, but not limited to, the following:
- a. Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the waste.
 - b. Significant change in disposal method, e.g., change from land disposal to a direct discharge to water, or change in the method of treatment which would significantly alter the characteristics of the waste.
 - c. Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area significantly removed from the original area potentially causing different water quality or nuisance problems.
 - d. Increase in flow beyond that specified in the waste discharge requirements.
 - e. Increase in area or depth to be used for solid waste disposal beyond that specified in the waste discharge requirements. [CWC 13372, 13376, and 13264, 23 CCR 2210]
6. *Duty to minimize or correct adverse impacts:* The discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.

7. *Proper Operation and Maintenance* [40 CFR 122.41(e)]

The discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the discharger to achieve compliance with this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a discharger only when necessary to achieve compliance with the conditions of this permit.

8. *Permit Actions* [40 CFR 122.41(f)] [CWC 1326(e)] [40 CFR 122.44(b)(1)]

- a. This permit may be modified, revoked, and reissued, or terminated for cause. The filing of a request by the discharger for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- b. The RWQCB may also review and revise this permit at any time upon application of any affected person, or on the Regional Board's own motion.
- c. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge, and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the discharger so notified.

9. *Property Rights* [40 CFR 122.41(g)] [CWC 13263(g)]

- a. This permit does not convey any property rights of any sort, or any exclusive privileges.
- b. All discharges of waste into waters of the state are privileges, not rights.

10. *Inspection and Entry* [40 CFR 122.41(l)]

- a. The discharger shall allow the Regional Board, State Board, U.S. EPA, or an authorized representative (including an authorized contractor acting as their representative) upon the presentation of credentials and other documents as may be required by law, to:
 - (1) Enter upon the discharger's premises where a regulated facility or activity is located or conducted, including sludge use and disposal activities, or where records must be kept under the conditions of this Order;
 - (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;
 - (3) Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices or operation regulated or required under this Order; and
 - (4) Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order or as otherwise authorized by the Clean Water Act or California Water Code, any substances or parameters at any location.
11. *Conditions not stayed:* The filing of request by the discharger for modification, revocation and resissuance, or termination of this Order, or a notification of planned change in or anticipated noncompliance with this Order does not stay any condition of this Order.
12. *Interim limitations:* The discharger shall comply with any interim effluent limitations which are in effect as a result of modification of this permit or as a result of any Regional Board or USEPA enforcement action.
13. *Monitoring and Reporting Program:* The discharger shall conduct monitoring and submit reports in accordance with this Order and Monitoring and Reporting Program No. 98-10. Monitoring results shall be reported at the intervals specified in this Order and Monitoring and Reporting Program No. 98-10. [CWC 13267 and 13383, 23 CCR 2230, 40 CFR 122.43(a), 122.44(I), and 122.48]
14. *Availability:* A copy of this Order shall be posted at a prominent location at or near the treatment and disposal facilities and shall be

available to operating personnel at all times.

15. *Bypass* [40 CFR 122.41(m)]

a. Definitions.

- (1) "Bypass" means the intentional diversion of waste streams from any portion of the treatment facility.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. The discharger may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operations. These bypasses are not subject to the provisions of paragraphs (c) and (d) of this section.

c. Notice

- (1) Anticipated bypass. If the discharger knows in advance of the need for a bypass, they shall submit prior notice, if possible, at least ten days before the date of the bypass.
- (2) Unanticipated bypass. The discharger shall submit notice of an unanticipated bypass as described under Reporting Requirement E.4.

d. Prohibition of Bypass

- (1) Bypass is prohibited and the RWQCB may take enforcement action against the discharger for bypass, unless:
- (2) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (3) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities,

retention of untreated waste or maintenance during normal periods of equipment downtime. This condition is not satisfied if the discharger could have installed adequate backup equipment to prevent a bypass which occurs during normal periods of equipment downtime or preventive maintenance; and

- (4) The discharger submitted notices as required under paragraph (c) of this section.
 - e. The Executive Officer may approve an anticipated bypass, after considering its adverse effect, if the Executive Officer determines that it will meet the three conditions listed above in paragraph (d) of this section.
16. *Upset* [40 CFR 122.41(n)]
- a. Definitions

“Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
 - b. Effect of an Upset

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph (c) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
 - c. Conditions Necessary for a Demonstration of Upset

A discharger who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

 - (1) An upset occurred and that the discharger can identify the specific cause(s) of the upset;

- (2) The permitted facility was at the time being properly operated; and
- (3) The discharger submitted notice of the upset as required in Reporting Requirement E.4.

d. Burden of Proof

In any enforcement proceeding the discharger seeking to establish the occurrence of an upset has the burden of proof.

17. *Transfers* [40 CFR 122.41(l)(3)] [CWC 13377] [40 CFR 122.61(a)(b)]

- a. This permit is not transferable to any person except after notice to the RWQCB. The RWQCB may require modification or revocation and reissuance of the permit to change the name of the discharger and incorporate such other requirements as may be necessary under the Clean Water Act and the California Water Code.
- b. Except as provided in paragraph (c) below, a permit may be transferred by the discharger to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made to identify the new discharger and incorporate such other requirements as may be necessary under the Clean Water Act.
- c. As an alternative to transfers under paragraph (b) above, an NPDES permit may be automatically transferred to a new discharger if:
 - (1) The current discharger notifies the Regional Board at least 30 days in advance of the proposed transfer date in paragraph (c)(2) below;
 - (2) The notice includes a written agreement between the existing and new dischargers containing a specific date for transfer of permit responsibility, coverage, and liability; and
 - (3) The RWQCB does not notify the existing discharger and the proposed new discharger of its intent to modify or revoke and reissue the permit. A

modification under this subparagraph may also be a minor modification under 40 CFR Part 122.63. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph (c)(2) above.

18. *Severability*

The provisions of this Order are severable, and if any provision of this Order, or the application of any provisions of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order shall not be affected thereby.

19. *Pollution, Contamination, Nuisance* [CWC 13050]

Neither the treatment nor the discharge shall create a condition of pollution, contamination or nuisance.

20. *Continuation of expired permit:* After this permit expires, the terms and conditions of this permit are automatically continued pending issuance of a new permit if all requirements of the federal NPDES regulations on the continuation of expired permits are complied with. [40 CFR 122.6, 23 CCR 2235.4]

21. *Applications:* Any application submitted by the discharger for reissuance or modification of this permit shall satisfy all applicable requirements specified in federal regulations as well as any additional requirements for submittal of a Report of Waste Discharge specified in the California Water Code and the California Code of Regulations.

22. *Confidentiality:* Except as provided for in 40 CFR 122.7, no information or documents submitted in accordance with or in application for this permit will be considered confidential, and all such information and documents shall be available for review by the public at the offices of the Regional Board.

23. *Responsibilities, liabilities, legal action, penalties:* The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided for under the Clean Water Act. [CWC 13385 and 13387]

24. *Effective date:* This Order shall become effective ten days after the date of its adoption provided the USEPA Regional Administrator has no objection. If the Regional Administrator objects to its issuance, this Order shall not become effective until such objection

is withdrawn.

25. *Expiration:* This NPDES permit expires on September 9, 2003. [40 CFR 122.43, 122.44(h), and 122.46]

F. REPORTING REQUIREMENTS (Applicable to all permits)

1. *Certification report:* The discharger shall submit a report within 90 days of adoption of this Order describing the measures that will be implemented to achieve compliance with Discharge Specification B.2 and Prohibition A.3.d. This proposal must be approved by the Regional Board prior to initiation of any discharge to Escondido Creek.
2. *Title 22 Certification report:* The discharger shall meet the design, operational, and reliability, requirements of Articles 7, 8, 9, and 10 of the California Code of Regulations, Title 22, Division 4, Chapter 3. The discharger shall develop an engineering report conforming to Section 60323, Article 7 of the California Code of Regulations, Title 22, Division 4, Chapter 3. The engineering report shall be submitted to the State Department of Health Services, the San Diego County Department of Environmental Health, and the Regional Board Executive Officer. The discharge of treated wastewater from the HARRF to Escondido Creek and/or its tributaries shall not commence until the engineering report is approved by the Regional Board Executive Officer.
3. *Sewer Overflow Reporting:* The discharger shall report sewer overflow events in accordance with Order No. 96-04, *General Waste Discharge Requirements Prohibiting Sanitary Sewer Overflows by Sewage Collection Agencies*.
4. *Request for information:* The discharger shall furnish the RWQCB, SWRCB, or U.S. EPA, within a reasonable time, any information which the RWQCB, SWRCB, or U.S. EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The discharger shall also furnish to the RWQCB, SWRCB, or U.S. EPA upon request, copies of records required to be kept by this permit.
5. *Adequate notification:* The discharger shall provide adequate notice to the Executive Officer of the following:
 - a. Any new introduction of pollutants into the discharger's treatment works from an indirect discharger which would be subject to Section 301 and 306 of the CWA if they were

directly discharging those pollutants.

- b. Any planned physical alterations or additions to the permitted facility, where such alterations, additions, or changes may justify the application of permits conditions that are different from or absent in the existing permit, including notification of additional disposal sites not reported during the permit application process.
6. *Need for bypass:* If a need for a discharge by pass is known in advance, the discharger shall submit prior notice and, if all possible, such notice shall be submitted at least ten days prior to the date of the bypass.
7. *Commencement & Cessation of Discharge:* The Regional Board, the San Diego County Department of Health Services, State Department of Health Services, California Department of Fish and Game, U.S. Department of Fish and Wildlife, and San Diego County Department of Parks and Recreation shall be notified within 24 hours following a determination of intent to discharge, within six hours following commencement of discharge, and within 24 hours following cessation of the discharge.
8. *Health Department Notification:* Violation of a bacteriological limitation shall be reported to the San Diego County Department of Health Services within 24 hours.
9. *Signatory Requirements* [40 CFR 122.41(k)] [40 CFR 122.22]
 - a. All permit applications submitted to the RWQCB, SWRCB, and/or U.S. EPA shall be signed as follows:
 - (1) For a corporation: By a responsible corporate officer. For the purpose of this provision, a responsible corporate officer means: A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (2) For a partnership or sole proprietorship: By a general partner or the proprietor, respectively;
 - (3) For a municipality, state, federal or other public agency: By either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a Federal agency includes: The chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of U.S. EPA.).
- b. All reports required by this Order and other information requested by the RWQCB, SWRCB, or U.S. EPA shall be signed by a person designated in paragraph (a) of this provision, or by a duly authorized representative of that person. An individual is a duly authorized representative only if:
 - (1) The authorization is made in writing by a person described in paragraph (a) of this provision;
 - (2) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or well field, superintendent, or position of equivalent responsibility (a duly authorized representative may thus be either a named individual or any individual occupying a named position); and
 - (3) The written authorization is submitted to the RWQCB, SWRCB, or U.S. EPA.
- c. If an authorization under paragraph (b) of this provision is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this provision must be submitted to the RWQCB, SWRCB or U.S. EPA prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Any person signing a document under this Section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

10. *Compliance Schedules* [40 CFR 122.41(l)(5)]

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

11. *Immediate notification and posting:* Whenever a receiving water sample is found to contain levels of bacteria which exceed water-contact standards for bacterial characteristics specified in this Order, the discharger shall immediately notify the County of San Diego, Department of Environmental Health and post signs, at the direction of the Department of Environmental Health, prohibiting body contact with water in all areas affected by the contamination.

12. *Twenty-hour Hour Reporting* [40 CFR 122.41(l)(6)]

- a. The discharger shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the Executive Officer within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within five days of the time the discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- b. The following shall be included as information that must be reported within 24 hours under this paragraph:
 - (1) Any unanticipated bypass which exceeds any effluent limitation in the permit.
 - (2) Any upset which exceeds any effluent limitation in the

permit.

- (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the RWQCB in this permit is to be reported within 24 hours. The RWQCB may waive the above required written report on a case-by-case basis for reports under this provision if an oral report has been received within 24 hours.
- (4) Any violation of any effluentation for acute toxicity specified in this Order.
- (5) Any violation of any prohibition of this Order
- (6) Any finding of levels of bacteria in a receiving water sample which exceeds water-contact standards for bacterial characteristics specified in this Order.
[CWC 13267 and 13383]

13. *Other Noncompliance* [40 CFR 122.41(l)(7)]

The discharger shall report all instances of noncompliance not reported under Provision E.13, and Reporting Requirements F.9 and F.11 at the time monitoring reports are submitted. The reports shall contain the information listed in Reporting Requirement F.11.

14. *Other Information* [40 CFR 122.41(l)(8)]

When the discharger becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the RWQCB, the discharger shall promptly submit such facts or information.

15. *Planned Changes* [40 CFR 122.41(l)(1)]

- a. The discharger shall give notice to the RWQCB as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required under this provision only when:
 - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR Part 122.29(b); or

- (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR Part 122.42 (a)(1); or
- (3) The alteration or addition results in a significant change in the discharger's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

16. *Anticipated Noncompliance* [40 CFR 122.41 (l)(2)]

The discharger shall give advance notice to the RWQCB of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

17. *Reports and notifications:* The discharger shall submit reports and provide notifications to the Regional Board and other agencies as specified in this Order. These other agencies include USEPA, SWRCB, County of San Diego, Department of Environmental Health. Reports shall be submitted and notifications shall be made to:

Groundwater Unit
California Regional Water Quality Control Board, San Diego
Region
9771 Clairemont Mesa Boulevard, Suite A
San Diego, CA 92124-1331
Phone - (619) 469-2952
Fax - (619) 571-6972

Regional Administrator
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901

Regulatory Unit
Division of Water Quality
State Water Resources Control Board

P.O. Box 944213
Sacramento, CA 94244-2130

Department of Environmental Health
County of San Diego
P.O. Box 85261
San Diego, CA 92138-5261
Phone - (619) 338-2222
Fax - (619) 338-2174

G. ENFORCEMENT PROVISIONS (Applicable to All Permits)

1. The Clean Water Act provides that any person who violates a condition of this Order implementing Section 301, 302, 306, 307, 308, 318 or 405 of the CWA is subject to a civil penalty not to exceed \$25,000 per day of such violations. Any person who negligently violates conditions of this Order implementing Section 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day for each violation, or by imprisonment for not more than one year, or both. Higher penalties may be imposed for knowing violations and for repeat offenders. The California Water Code provides for civil and criminal penalties comparable to, and in some cases greater than, those provided under the Clean Water Act. [40 CFR 122.41(a)(2)] [CWC Sections 13385 and 13387]
2. The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Order, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both. [40 CFR 122.41(k)(2)]
3. The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 , or by imprisonment for not more than 2 years, or both. Higher penalties may be imposed for repeat offenders. [40 CFR 122.41(j)(5)]
4. Nothing in this Order shall be construed to protect the discharger from its liabilities under federal, state, or local laws.
5. Except as provided for in 40 CFR 122.41(m) and (n), nothing in this

Order shall be construed to relieve the discharger from civil or criminal penalties for noncompliance.

6. Nothing in this Order shall be construed to preclude institution of any legal action or relieve the discharger from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the CWA.
7. *Noncompliance:* Any noncompliance with this Order constitutes violation of the California Water Code and is grounds for denial of an application for permit modification. [Also see 40 CFR 122.41(a)]
8. *Discharge is a privilege:* No discharge of waste into waters of the State, whether or not the discharge is made pursuant to waste discharge requirements, shall create a vested right to continue the discharge. All discharges of waste into waters of the State are privileges, not rights. [CWC 13263(g)]

H. PROVISIONS APPLICABLE TO POTWs

1. 40 CFR 122.42(b) is attached hereto and incorporated into this permit by reference (Attachment D).
2. *Plant supervision and operation:* Supervisors and operators of all wastewater treatment facilities shall possess a certificate of appropriate grade in accordance with 23 CCR 3680. [23 CCR 2233(d)(1)]
3. *Operation and maintenance manual:* Each wastewater treatment facility shall be operated and maintained in accordance with the operation and maintenance manual prepared by the owner of the treatment facility through the Clean Water Grant Program. [23 CCR 2233(d)(2)]
4. *New and expanded treatment facilities:* All proposed new treatment facilities and expansions of existing treatment facilities shall be completely constructed and operable prior to initiation of the discharge from the new or expanded facilities. The discharger shall submit a certification report for each new treatment facility, expansions of an existing treatment facility, and re-rating of an existing treatment facility. For new treatment facilities and expansions, the certification report shall be prepared by the design engineer. For re-ratings, the certification report shall be prepared by the engineer who evaluated the treatment facility capacity. The certification report shall:

- a. Identify the design capacity of the treatment facility;
 - b. Certify the adequacy of each component of the treatment facility; and
 - c. Contain a requirement-by-requirement analysis, based on acceptable engineering practices, of how the process and physical design of the facility will ensure compliance with this Order.
5. The signature and engineering license number of the engineer preparing the certification report shall be affixed to the report. The certification report, should, if possible, be submitted prior to beginning construction. The discharger shall not initiate a discharge from a new treatment facility or initiate a discharge from an existing treatment facility at a 30-day average dry weather flowrate in excess of its design capacity until:
 - a. The certification report is received by the Executive Officer;
 - b. The Executive Officer has received written notification of the completion of construction (new treatment facilities and expansions only);
 - c. An inspection of the plant has been made by the Regional Board staff (new treatment facilities and expansions only); and
6. The Executive Officer has provided the discharger with written authorization to discharge at a 30-day average dry weather flowrate not to exceed the revised design capacity.
7. *Ensuring adequate capacity:* The discharger shall submit a written report to the Executive Officer within 90 days after the average dry weather influent flowrate for any 30-day period equals or exceeds 75 percent of the design capacity of any waste treatment and/or disposal facilities. The discharger's senior administrative officer shall sign a letter which transmits that report and certifies that the policy-making body is adequately informed about it. The report shall include:
 - a. Average daily flow for the 30-day period, the date on which the largest instantaneous peak flow occurred, the rate of that peak flow, and the total flow for that day.
 - b. The discharger's best estimate of when the average daily dry

weather flowrate will equal or exceed the design capacity of the facilities.

- c. The discharger's intended schedule for studies, design, and other steps needed to provide additional capacity for the waste treatment and/or disposal facilities and/or control the flowrate before the waste flowrate equals the capacity of present units.

I. SLUDGE REQUIREMENTS

1. The discharger shall comply with all federal and state regulations pertaining to sludge use and disposal. Current federal regulations regarding the application of sludge containing cadmium and PCBs to land are contained in 40 CFR 257.3-5.
2. The discharger shall comply with the standards for sludge use and disposal promulgated under Section 405(d) of the Clean Water Act in 40 CFR 503, that are applicable to the discharger's sludge treatment, use, or disposal practices.
3. The discharger is encouraged to comply with the State of California guidance manual issued by the Department of Health Services entitled "Manual of Good Practice for Landspreading of Sewage Sludge".

I, John H. Robertus, Executive Officer of the San Diego Regional Water Quality Control Board, San Diego Region, do hereby certify the foregoing is a full, true, and correct copy of Order No. 98-10 adopted by the California Regional Water Quality Control Board, San Diego Region, on September 9, 1998.

JOHN H. ROBERTUS
EXECUTIVE OFFICER